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Shutoff of Suit Against CIA Agent Veils Status of Heine

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The trial which might have determined whether or not Erik Heine is "a dispatched Soviet intelligence operative, a KGB agent," has been ruled out for the time being—and perhaps forever—by a federal court judge in Baltimore.

But two men who might well have been called as key witnesses in Heine's behalf have told what they know about Heine in long letters in response to a series of questions from The Star.

On Thursday, Chief Federal District Judge Roszel C. Thomsen summarily dismissed Heine's \$110,000 slander suit against Juri Raus, a fellow Estonian emigrant who is now a Bureau of Public Roads engineer living in Hyattsville.

According to affidavits filed by the Central Intelligence Agency in the case, Raus was a CIA agent and was instructed to warn fellow Estonians that Heine was a Soviet agent.

In his decision, Thomsen ruled that Raus was protected from a slander suit because the statements he made were done as part of his duties for the CIA. A trial, he added, would put Raus in a position where he could not defend himself without violating an oath of secrecy signed in 1963.

Names 4 Friends

Earlier in the year, when it appeared possible that the case might result in such a ruling, Heine, whose home is in a suburb of Toronto, Canada, was asked for the names of friends who might corroborate his story that he was an Estonian patriot and freedom fighter and that he had always been a staunch anti-Communist.

He supplied the names of three men he said had been close friends when they were in Soviet prison camps during the 1950s and the name of an elderly woman who he said had helped him in the late 1940's when he was living as a freedom fighter in the Estonian forest.

No reply was received from the elderly woman and it has been impossible so far to contact one of the three men.

The other two replied with statements strongly supporting Heine.

Otto Knispel, a 61-year-old cabinet maker now living in Lembo/Lippe, in West Germany, wrote that he had been a close friend of Heine's in Soviet

Prison camps from 1951 until October 1956.

"I consider it impossible," he wrote, "that Erik Heine would have lowered himself to work as an agent or spy . . . I know him too well to believe that about him . . .

"The prison camps in which we were located were populated almost entirely by political prisoners with sentences up to 25 years. It was only natural that we stood solidly together in groups according to our nationalities and that we protected ourselves against agents, spies and other dubious characters."

"Out of the Question"

Accordingly, agents and spies didn't have a chance with us; as soon as anyone was hired by a Russian political officer, he was immediately uncovered and neutralized.

"I consider it completely out of the question that Erik Heine changed his political opinions and became a Soviet agent while he was in prison. He was a member of the forced labor brigade in each camp. The Russians assigned to these brigades the prisoners whom they feared. They were prisoners who had once escaped, conspirators, rebels, officers and prisoners with high intelligence."

"They had to work under double guards with bloodhounds. They had to perform the hardest and dirtiest work without any privileges. They were subject to all kinds of dirty tricks."

"Since he was an officer, he always belonged to this forced labor brigade—for five years, as long as I was with him."

"Through this treatment, the Russians wanted to make the prisoners weak and pliable. I am completely convinced that the Russians accomplished just the opposite."

Similar Account

A similar account was contained in a seven-page typewritten letter from Karl Brett, a 42-year-old sculptor living in Munich, Germany.

Brett, who is three years younger than Heine, knew him when they were schoolboys in Tartu, Estonia, before World War II, and met him again in 1952 in a Soviet prison camp, he wrote.

"I worked together with Mr. Heine in labor groups on railroad track construction," Brett said. "We slept in the same room and ate at the same table and I learned to know him well."

"I think it is impossible that Mr. Heine ever was a Russian or Soviet agent or informer or that he could have worked as such . . . He showed in captivity his strong characteristics and unchangeable attitude."

"By reason of my personal experience with Mr. Heine in captivity, I think it is impossible that he has changed in Soviet captivity or that he ever could have been a Soviet agent."

One unexplained incident was reported by Brett in his letter.

In August 1965, he said, he was visited by agents of the Bavarian Department of the Interior (a state police agency) and was asked a series of questions concerning his relationship with Heine. This was more than a year after Raus had made his accusations against Heine and many months after Heine's slander suit against Raus had been filed. But Raus' attorneys, who made an intensive investigation of Heine in the United States and Canada in preparing their defense, said they know of no attempts to gather information about Heine in Europe.

The conflict between Heine and Raus—and the CIA—has

caused a deep and bitter split in the Estonian emigre community in the United States and Canada. It was in hopes that a court trial would establish the truth and thus end the uncertainty on which this bitterness was based. Heine said, that he filed his suit against Raus.

His attorneys are now preparing to appeal Judge Thomsen's ruling to the 4th Circuit Court of Appeals in Richmond and they have said they would fight the case to the Supreme Court.

Even if a higher court should send the case back for a jury trial, however, the full truth may never be known unless the CIA should decide to make public what it knows about the case—information it so far has been at elaborate pains to protect.